

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

|                                  |   |                          |
|----------------------------------|---|--------------------------|
| MICHAEL SHERMAN ALLEN,           | ) |                          |
|                                  | ) |                          |
| Plaintiff,                       | ) | 2:19-cv-01258-RJC        |
|                                  | ) |                          |
| vs.                              | ) |                          |
|                                  | ) | Judge Robert J. Colville |
| CO ROBERT HOLLOWOOD; SGT.        | ) |                          |
| CHRISTOPHER SHELDON; and CO JUAN | ) |                          |
| MACIAS,                          | ) |                          |
|                                  | ) |                          |
| Defendants.                      | ) |                          |

**VERDICT SLIP**

**EIGHTH AMENDMENT-EXCESSIVE FORCE (February 25, 2019)**

1. Do you find by a preponderance of evidence that on February 25, 2019, any Defendant used excessive force against Mr. Allen in violation of his constitutional rights as provided by the Eighth Amendment?

(Check the appropriate box)

|                     |           |  |
|---------------------|-----------|--|
| Defendant Hollowood | _____ Yes | _____ <input checked="" type="checkbox"/> No |
| Defendant Sheldon   | _____ Yes | _____ <input checked="" type="checkbox"/> No |
| Defendant Macias    | _____ Yes | _____ <input checked="" type="checkbox"/> No |

**If you answered "Yes" to any part of Question 1, proceed to Question 2. If you answered "No" to all of Question 1, proceed to Question 6.**

2. Do you find by a preponderance of evidence that any Defendant's actions on February 25, 2019, caused injury to Mr. Allen?

(Check the appropriate box)

|                     |           |          |
|---------------------|-----------|----------|
| Defendant Hollowood | _____ Yes | _____ No |
| Defendant Sheldon   | _____ Yes | _____ No |
| Defendant Macias    | _____ Yes | _____ No |

**If you answered "Yes" to any part of Question 2, proceed only to Question 3a. If you answered "No" to all of Question 2, proceed only to Question 3b.**

3a. Please state the amount that will fairly compensate Mr. Allen for any physical injury or emotional pain and mental anguish that he sustained as a result of the Defendants' conduct on February 25, 2019: \$ \_\_\_\_\_

**After answering Question 3a proceed to Question 4.**

3b. Because you answered "no" to Question 2 above, Mr. Allen is awarded nominal damages in the amount of \$1.00.

**After reviewing Question 3b proceed to Question 4.**

4. Do you find by a preponderance of evidence that on February 25, 2019, any Defendant acted maliciously or wantonly in violating Mr. Allen's constitutional rights as provided by the Eighth Amendment?

(Check the appropriate box)

|                     |           |          |
|---------------------|-----------|----------|
| Defendant Hollowood | _____ Yes | _____ No |
| Defendant Sheldon   | _____ Yes | _____ No |
| Defendant Macias    | _____ Yes | _____ No |

**If you answered "Yes" to any part of Question 4, proceed to Question 5. If you answered "No" to all of Question 4, proceed to Question 6.**

5. What amount of punitive damages do you award to Mr. Allen as a result of the Defendants' conduct on February 25, 2019? \$\_\_\_\_\_.

**FOURTEENTH AMENDMENT-EQUAL PROTECTION (February 25, 2019)**

6. Do you find by a preponderance of evidence that on February 25, 2019, any Defendant violated Mr. Allen's Equal Protection rights in violation of his constitutional rights as provided by the Fourteenth Amendment?

(Check the appropriate box)

|                     |           |  |
|---------------------|-----------|--|
| Defendant Hollowood | _____ Yes | _____ <input checked="" type="checkbox"/> No |
| Defendant Sheldon   | _____ Yes | _____ <input checked="" type="checkbox"/> No |
| Defendant Macias    | _____ Yes | _____ <input checked="" type="checkbox"/> No |

**If you answered "Yes" to Question 6, proceed to Question 7. If you answered "No" to all of Question 6, proceed to Question 11.**

7. Do you find by a preponderance of evidence that any Defendants' actions on February 25, 2019, caused injury to Mr. Allen?

(Check the appropriate box)

\_\_\_\_\_ Yes \_\_\_\_\_ No

**If you answered "Yes" to Question 7, proceed only to Question 8a. If you answered "No" to Question 7, proceed to Question 8b.**

8a. Please state the amount that will fairly compensate Mr. Allen for any physical injury or emotional pain and mental anguish that he sustained as a result of the Defendants' conduct on February 25, 2019: \$ \_\_\_\_\_

**After answering Question 8a proceed to Question 9.**

8b. Because you answered "no" to Question 7 above, Mr. Allen is awarded nominal damages in the amount of \$1.00.

**After reviewing Question 8b proceed to Question 9.**

9. Do you find by a preponderance of evidence that on February 25, 2019, any Defendant acted maliciously or wantonly in violating Mr. Allen's constitutional rights as provided by the Equal Protection Clause of the Fourteenth Amendment?

(Check the appropriate box)

\_\_\_\_\_ Yes \_\_\_\_\_ No

**If you answered "Yes" to Question 9, proceed to Question 10. If you answered "No" to Question 9, proceed to Question 11.**

10. What amount of punitive damages do you award to Mr. Allen as a result of the Defendants' conduct on February 25, 2019? \$\_\_\_\_\_.

**After answering Question 10 proceed to Question 11.**

**SCOPE OF EMPLOYMENT – PENNSYLVANIA LAW**

11. Do you find by a preponderance of evidence that any Defendant was acting within the scope of his employment at the time of the incident involving Plaintiff's claims of battery and intentional infliction of emotional distress on February 25, 2019?

(Check the appropriate box)

|                     |                    |                   |
|---------------------|--------------------|-------------------|
| Defendant Hollowood | _____ Yes          | <u>✓</u> _____ No |
| Defendant Sheldon   | <u>✓</u> _____ Yes | _____ No          |
| Defendant Macias    | <u>✓</u> _____ Yes | _____ No          |

**If you answered "Yes" to all Defendants listed in Question 11, you have completed the questions and should now sign and date this verdict slip. If you answered "No" to any Defendant listed in Question 11, proceed to Question 12 as to only those Defendants for whom you indicated "No" in Question 11.**

**BATTERY UNDER PENNSYLVANIA LAW (February 25, 2019)**

12. Do you find by a preponderance of evidence that Plaintiff has proven his claim of battery as to any Defendant?

(Check the appropriate box)

|                     |                   |                  |
|---------------------|-------------------|------------------|
| Defendant Hollowood | <u>✓</u> Yes      | <u>      </u> No |
| Defendant Sheldon   | <u>      </u> Yes | <u>✓</u> No      |
| Defendant Macias    | <u>      </u> Yes | <u>✓</u> No      |

**If you answered “Yes” to Question 12, proceed to Question 13. If you answered “No” to Question 12, proceed to Question 17.**

13. Do you find by a preponderance of evidence that any Defendants’ actions on February 25, 2019, caused actual injury to Mr. Allen?

(Check the appropriate box)

✓ Yes        No

**If you answered “Yes” to Question 13, proceed only to Question 14a. If you answered “No” to Question 13, proceed to Question 14b.**

14a. Please state the amount that will fairly compensate Mr. Allen for any physical injury or emotional pain and mental anguish that he sustained as a result of the Defendants’ conduct on February 25, 2019:     \$ 250,000

**After answering Question 14a proceed to Question 15.**

14b. Because you answered “no” to Question 13 above, Mr. Allen is awarded nominal damages in the amount of \$1.00.

**After reviewing Question 14b proceed to Question 15.**

15. Do you find by a preponderance of evidence that on February 25, 2019, any Defendant acted maliciously or wantonly in violating Mr. Allen's rights as provided under Pennsylvania law?

(Check the appropriate box)

\_\_\_\_\_ Yes      ☒ No

**If you answered "Yes" to Question 15, proceed to Question 16. If you answered "No" to Question 15, proceed to Question 17.**

16. What amount of punitive damages do you award to Mr. Allen as a result of the Defendants' conduct on February 25, 2019?      \$ \_\_\_\_\_.

**After answering Question 16 proceed to Question 17.**

**INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS UNDER PENNSYLVANIA LAW (February 25, 2019)**

17. Do you find by a preponderance of evidence that Plaintiff has proven his claim of intentional infliction of emotional distress as to any Defendant?

(Check the appropriate box)

Defendant Hollowood        ✓   Yes             No

Defendant Sheldon             Yes        ✓   No

Defendant Macias             Yes        ✓   No

**If you answered "Yes" to Question 17, proceed to Question 18. If you answered "No" to Question 17, proceed to Question you have completed the questions and should now sign and date this verdict slip.**

18. Do you find by a preponderance of evidence that any Defendants' actions on February 25, 2019, caused injury to Mr. Allen?

(Check the appropriate box)

  ✓   Yes             No

**If you answered "Yes" to Question 18, proceed to Question 19a. If you answered "No" to Question 18, proceed to Question 19b.**

19a. Please state the amount that will fairly compensate Mr. Allen for any physical injury or emotional pain and mental anguish that he sustained as a result of the Defendants' conduct on February 25, 2019:      \$ 250,000

**After answering Question 19a proceed to Question 20.**

19b. Because you answered "no" to Question 18 above, Mr. Allen is awarded nominal damages in the amount of \$1.00.

**After reviewing Question 19b, proceed to Question 20.**



20. Do you find by a preponderance of evidence that on February 25, 2019, any Defendant acted maliciously or wantonly in violating Mr. Allen's rights as provided under Pennsylvania law?

(Check the appropriate box)

\_\_\_\_\_ Yes

\_\_\_\_\_ ☒ No

**If you answered "Yes" to Question 20, proceed to Question 21. If you answered "No" to Question 20, you have completed the questions and should now sign and date this verdict slip.**

21. What amount of punitive damages do you award to Mr. Allen as a result of the Defendants' conduct on February 25, 2019?      \$\_\_\_\_\_.

**You have completed the questions and should now sign and date this verdict slip.**

DATE: 11/01/2023

  
Foreperson